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October 29, 2008

Via Federal Express

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
FEDERAL ELECTION COMMISSION  
999 E Street N.W.  
Washington, DC 20463

RE: Response to Opponent's Complaint  
Jim Risch for U.S. Senate Committee  
MUR 6087

Dear Mr. Jordan:

This correspondence is the Jim Risch for U.S. Senate Committee's response to the complaint filed by our opponent and his party, and assigned Matter Under Review (MUR) number 6087. As you may recall, just last week, I submitted a similar response to a previous complaint filed by this same complainant. I apologize if this introduction is repetitive, but we take compliance matters very seriously and I think it is worth repeating, in case there are different personnel assigned to the different complaints.

I was selected as the treasurer of this committee, not only due to my relationship with the candidate, but also due to my extensive legal career and experience with interpreting and applying federal rules and statutes. I have practiced law for over 34 years, and throughout my career I have dealt extensively with, and I am well versed with, the interpretation and application of federal law.

Throughout this campaign, this committee has developed and maintained detailed procedures to make every effort to comply with all regulatory rules and statutes, including but not limited to, the Federal Election Campaign Act of 1972, as amended ("the Act"), Title 11 of the Code of Federal Regulations ("C.F.R."), Titles 2 and 26 of the United States Code ("U.S.C.") and

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all Advisory Opinions issued by the FEC ("AOS") (all singularly referred to hereinafter as "Rules and Regulations"). This committee employs and utilizes the professional services of attorneys, accountants and others formally trained in compliance matters. We regularly review published Advisory Opinions and subscribe to several electronic notices of various FEC activity.

On a weekly basis, we receive and review information and updates from the Federal Election Commission (FEC) via electronic mail. We have spent significant financial resources on state of the art compliance software and have trained several of our staff members in the use of this program. Additionally, every staff member is advised on the various legal requirements applicable to their positions. We have, on several occasions, made both oral and written communication with the FEC to ascertain the proper course of action when said course is not clear from the applicable rule or law. In addition to all this, we maintain voluminous detailed and accurate records of all transactions, including every contribution, as well as every expenditure. These records are open to you and your staff at any time.

The complaint filed by our opponent and his political party make the allegation that a particular mailing was paid for by Idaho Right to Life, Inc., a corporate entity, and thus resulted in a prohibited contribution. They appear to make this assumption because the exterior mailing envelope accidentally utilized a bulk mail permit belonging to the corporate entity. The conclusion, however, that the corporation paid for the mailing is without foundation. The Risch for U.S. Senate Committee paid for every expense to every vendor associated with this mailing, from the printing to the postage and every cost in between. At no time did the corporate entity pay a single cent toward this mailing.

As stated above, our committee maintains the records of every expenditure made, and if requested, can produce copies of all applicable invoices, as well as the copies of the checks that paid those invoices. All expenses were paid directly from the Jim Risch for U.S. Senate account and not through the corporate entity.

As for the particular bulk mail permit, it was unusual for the mailhouse to use the permit associated with the corporate entity, and although the corporation's non-profit permit appeared erroneously on the envelope, the non-profit postage rate was not used and the usual political bulk mailing postage rate was paid. We use this mailhouse for nearly all our mailings and it typically uses its own permit and passes the postage expense through to the campaign. Nonetheless, an identical procedure was utilized with the corporate entity's bulk mail permit and the postage bill was paid by the campaign and not the corporate entity and the regular bulk rate postage was paid. All postage required by the post office was passed on to the campaign from the mailhouse and promptly paid in full. Additionally, as required by 11 CFR § 110.11

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the mailing contained a clear disclaimer indicating that the piece was paid for by the Jim Risch for U.S. Senate Committee. The disclaimer appeared on both letters of this mailing, as is evidenced by the copies submitted with the complaint.

In conclusion, since the mailing was paid for entirely by the committee, we believe it is in compliance with all applicable federal rules and regulations, contrary to the claim of our opponent. I appreciate your inquiry into this matter, and if necessary, I am available for further response at (208) 345-9929.

Very truly yours,

JIM RISCH FOR U.S. SENATE COMMITTEE

By

  
R. JOHN INSEGER, Treasurer

RJI  
Enclosure

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